IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.560 OF 2006

IN

FIRST APPEAL ST.NO.124 OF 2005

Shri Nagnath Kisan Waghmare .. ..Petitioner

Versus

1.Shri Prabhakar Narhari Borade & Anr. ..Respondents

Mr.M.B.Kotak for petitioner

Ms Urmila Sunil for respndent no.2

CORAM : A.M.KHANWILKAR,J.

DATE : 8TH FEBRUARY, 2006.

P.C.:

1. Heard the learned counsel for the parties.

2. This application is for limited relief, filed by the appellant, for direction to send back the record and proceedings to the Court of Workmen’s Compensation so as

to enable the applicant to pursue the said Court to disburse the amount already deposited in that Court. Counsel for the respondent no.2 however submits that the appellant cannot be permitted to withdraw that amount. As that prayer is not made in the present application, it will be open to the respondent to oppose the request of the appellant before the Court of Workmen's Compensation for withdrawal of the amount, if so advised. That objection will be considered on its own merits.

3. For the time being, the application is allowed in terms of prayer clauses (a) and (b) on clear understanding that the record and proceedings will be returned to this Court after the proposed application of the applicant for withdrawal of the amount is finally disposed of, because the same will be required at the time of hearing of the first appeal which is likely to be heard in due course. Order accordingly.